



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 20, 2009

**CERTIFIED MAIL**  
**7009 1410 0002 4420 2024**

Bill Hunter, Jr.  
Hunter Farms  
1921 E State Route 106  
Union, WA 98592

Re: Amended Water Right Permit S2-26759

Dear Mr. Hunter:

**Your extension is approved.**

In response to your request, you are hereby granted an extension to put water to full beneficial use for the reason below:

- The Department of Ecology now requires metering and reporting water use. Your system is complete and water is in use. You need additional time to install a meter and collect data prior to issuance of a final water right certificate.

Your new deadline to submit *Proof of Appropriation of Water* is **February 1, 2012**.

**Your permit has been amended.**

Enclosed is your Amended Permit. It has been updated with the following provisions:

“Diversions shall cease when the flow of the Skokomish River falls below 250 cubic feet per second (cfs) as measured at USGS Gage No. 12061500 at River mile 5.3. Real-time stream flow data for this gage can be viewed at the USGS website:

[http://waterdata.usgs.gov/nwis/uv?site\\_no=12061500](http://waterdata.usgs.gov/nwis/uv?site_no=12061500), prior to diverting water. “

“An approved measuring device shall be installed and maintained for each of the diversion points authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

“Water use data shall be recorded weekly and maintained by the water right holder for a minimum of five years. The maximum monthly rate of diversion and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.”

“WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.  
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>”

“The intakes shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://www.wdfw.wa.gov/reg/regions.htm>”

“The Water Resources Act of 1971 specifies certain criteria regarding utilization and management of the waters of the State in the best public interest. Issuance of this permit was based on sufficient waters available, at least during portions of the year. However, it is pointed out that the use of water under this water right may be subject to regulation at certain times, based on the necessity to maintain water quantities sufficient for preservation of the natural environment.”

“That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.”

“The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source, system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.”

**You are required to meter diversions and record water use.**

Your water right authorizes four points of diversion. The total diversion under this right will need to be measured either by installing an approved measuring device at each diversion or using an alternative measurement method approved by Ecology.

Enclosed are metering forms. Please complete and submit Metering Form 1 for each measured diversion. This form provides Ecology with information on measuring devices and only needs to be submitted once. Metering Form 3 will need to be completed for each diversion, every year. Records of the maximum monthly rate of diversion and the

monthly total volume diverted will need to be submitted to the Department of Ecology by January 31st of each calendar year.

Also enclosed is a Water Measuring Device Cost Share Application. Please refer to the Department of Ecology's website for more information on cost sharing:

[http://www.ecy.wa.gov/programs/wr/measuring/yrbm\\_faq\\_cs.html](http://www.ecy.wa.gov/programs/wr/measuring/yrbm_faq_cs.html)

If you have any questions regarding metering or cost share, please contact Vicki Cline of this office at (360) 407-0278.

**The minimum flow provision is tied to USGS Stream Gage No. 120615000.**

Please note that the first provision on this Amended Permit requires you to cease diversions when the flow of the Skokomish River falls below 250 cfs. The original permit provision did not tie the minimum flow requirement to a stream gage. The amended provision specifies the measuring point as USGS Stream Gage No. 120615000 located at River Mile 5.3, on the upstream side of the right pier of the U.S. Highway 101 bridge. Real-time stream discharge measurement data for this station may be obtained from the USGS website: <http://www.wdfw.wa.gov/reg/regions.htm>.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

OR Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

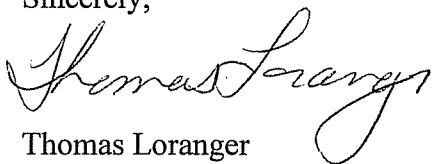
**3. And send a copy of your appeal to:**

Thomas Loranger  
Department of Ecology  
PO Box 47775  
Olympia, WA 98504-7775

*For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State  
Legislature Website: <http://www1.leg.wa.gov/CodeReviser> .*

If you have any questions concerning this letter, please contact Marie Peter at (360) 407-0279 or [mpet461@ecy.wa.gov](mailto:mpet461@ecy.wa.gov) .

Sincerely,



Thomas Loranger  
Section Manager  
Water Resources Program

Enclosures: *Proof of Appropriation of Water*  
*Your Right to Be Heard*  
*Water Measuring Device Cost Share Application and instructions*  
*Metering Form 1*  
*Metering Form 3*